

Supplemental Declaration

DEC-03-2004 14:27

HAHN LOESER + PARKS

3308647986

P.01/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/680,172 Confirmation No. 8130
Applicant : Remi Swierczek
Filed : October 5, 2000
TC/A.U. : 3625
Examiner : Matthew S. Gart

Docket No. : 5713-2
Customer No. : 021324

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

*Received
on 12/3/4
MS*

DECLARATION UNDER 37 C.F.R. §1.131

I, Robert J. Clark, declare:

- (1) That I am the practitioner in the instant United States Patent Application Serial No. 09/680,172, filed October 5, 2000, which claims the benefit of United States Provisional Patent Application 60/158,087, filed October 7, 1999.
- (2) That shortly after May 20, 1999, I worked with the Mark Watkins (Reg. No. 33,813) and the Inventor Remi Swierczek to draft a provisional patent application which was eventually filed on October 7, 1999 as United States Provisional Patent Application 60/158,087.
- (3) That the attached Exhibit is a docket record for United States Provisional Patent Application 60/158,087, printed on October 23, 2000.
- (4) That the Provisional Application docket record shows that the provisional file was opened on June 18, 1999 and entered into the docketing system.

Appl. No. 09/680,172

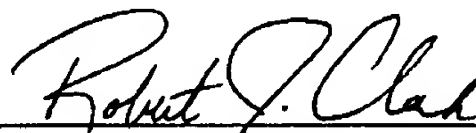
Declaration Under 37 C.F.R. §1.131

- (5) That from at least June 18, 1999 until October 7, 1999, reasonable diligence was exercised to achieve a constructive reduction to practice of the invention.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the U.S.C. and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

12/03/2006

Date


Robert J. Clark

DEC-03-2004 14:28 HAHN LOESER + PARKS 3308647986 P.03/03
OPER LAH ENTERED 06/18/1999 MODIFIED 10/23/2000 ATTORNEYS MAW / MAW / RJC PRINTED ON 10/23/2000

Oldham# 5713-1-PRV CNTRY US UNITED STATES NEW/CON NEW RELATED
PAT# P03247US0 TYPE PRV SERIAL# 60158,087 PATENT# STAT CONVERTED
TITLE MUSIC IDENTIFICATION SYSTEM ART
CLIENT 5713 SWIERCZEK, REMI 1 CREF SE YES INTLD
AGENT AREF CLAIMS INTLN
PRIOR MAIL 10/07/1999 FILE 10/07/1999 PUBL ISSUE ABN y 10/05/2000 1ST 10/07/1999

| ID | O | ACTION | BASE | DUE IN | DUE | EXTNS | FINAL | EXT | RESPONSE | CALL | 1 | 2 | P |
|--|---|----------------------|------------|--------|------------|-------|------------|-----|------------|------|---|---|---|
| FI | N | APPLICATION FILED? | 06/18/1999 | 2M | 08/18/1999 | 31 | 11/18/1999 | 2 | 10/07/1999 | 2M | Y | Y | Y |
| IR | N | INVENTION RECORD? | 06/18/1999 | 75D | 09/01/1999 | 11 | 10/01/1999 | 1 | 10/15/1999 | 0M | Y | Y | Y |
| DONE PER PAT | | | | | | | | | | | | | |
| PC | N | POST CARD CHECK | 10/07/1999 | 2M | 12/07/1999 | | 12/07/1999 | 0 | 10/18/1999 | 0M | Y | Y | Y |
| FS | N | FILG RCPT RECEIVED | 10/07/1999 | 3M | 01/07/2000 | | 01/07/2000 | 0 | 10/28/1999 | 0M | Y | Y | Y |
| PW | N | PRV/F.F. WTHD.LTR. | 10/07/1999 | 3M | 01/07/2000 | | 01/07/2000 | 0 | 01/07/2000 | 0M | Y | Y | Y |
| NO LETTER SENT/ NO BAL. DUE | | | | | | | | | | | | | |
| NC | N | NOTIFY CLIENT OF FF | 10/07/1999 | 6M | 04/07/2000 | | 04/07/2000 | 0 | 04/28/2000 | 1M | Y | Y | Y |
| SC | N | STATUS CHECK | 10/07/1999 | 6M | 04/07/2000 | | 04/07/2000 | 0 | 06/09/2000 | 0M | Y | Y | Y |
| FU | N | FF FOLLOWUP REMINDER | 10/07/1999 | 8M | 06/07/2000 | | 06/07/2000 | 0 | 06/07/2000 | 1M | Y | Y | Y |
| 2C | N | PRV/CONVERT REMINDER | 10/07/1999 | 10M | 08/07/2000 | | 08/07/2000 | 0 | 09/22/2000 | 1M | Y | Y | Y |
| CLIENT HAS OK'D CONVERSION PER RJC | | | | | | | | | | | | | |
| CE | N | CONVENTION ENDS | 10/07/1999 | 12M | 10/07/2000 | | 10/07/2000 | 0 | 10/08/2000 | 2M | Y | Y | Y |
| UTILITY APPLICATION FILED (5713-2) 10/5/00 PER RJC DOCKET. | | | | | | | | | | | | | |

INVENTORS

SWIERCZEK, REMI

NOTES

CONVERTED TO FILE 5713-2 09/680,172 FILED: 10/05/2000 (FIND FILE CONTENTS OF FILE 5713-1-PRV IN FILE NUMBER 5713-2)